THE DEPUTY CHAIRMAN: I am really surprised. It is not the fault of the petrol station. It is the fault of the person who is buying petrol. He should insist on a receipt. He should ask for it. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: The fault is with the Government. ...(*Interruptions*)... The fault is with the Government. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Why don't they ask for a receipt? They should ask for a receipt.

THE MERCHANT SHIPPING (AMENDMENT) BILL,1998—CONTD.

SHRI JOHN. F. FERNANCES (Goa): Madam, I rise to support this Bill. Though it is an innocuous Bill, it is an Ordinance which has been promulgated three times. Now it is coming to the Parliament to become a law. This Ordinance was promulgated three time because there was political instability in those days. I have no objection to that because we have done it earlier also. The point is that there were sessions earlier. It was not even introduced in those sessions. There was a session in November-December, 1997 and again we have a session in March. The Government should have, at least, made an attempt to introduce it. What is mentioned at the outset of this Bill is, "This Act may be called the Merchant Shpping (Amendment) Act, 1998". It will be enforced by clause 2 from 1997. So, there is an anomaly here.

Madam, I rise to support this Bill becuase this is a very progressive Bill. This Bill will remove the lacuane in the Act and solve the problems that the Indian seamen are facing. As a Member of Parliament I have to write to the Prime Minister very often that our seamen are stranded elsewhere. Lastly I have written to Gujralji, our then Prime Minister, that a ship was stranded in Karachi and the Indian seamen were stranded there for almost two years becuase the matter was litigated. The law is not waterproof. There is no waterproof mechanism. So, I appreciate that India is a singatory to IMO (International Mercantile Organisation) and ILO Convention No. 147. I welcome this Bill. I have explained why this Bill was not brought earlier and what the anomalies in clauses 1 and 2 are. I think the Government can amend them and say that this Act may be called the Merchant Shipping (Amendment) Act, 1997 because it is deemed to have been brought into force from 1997. That is the anomaly. We are talking about the jurisdiction of this Act where it comes into force. It comes into force in the Indian waters, that is, 12 miles from land mass. But India has an Exclusive Economic Zone which is extending up to 2,000 miles. Then we have the continental shelf. I would like to know whether the Government has realised the problem that it is going to face because of the duplicity, whether it is going to the United Nations to get its consent to bring these waters also within the jurisdiction of Indian territory. Otherwise, we are going to have problems because this Act cannot be implemented for want of jurisdiction. We have also privatised the oil sector. We have oil rigs. They are also deemed to be ships. They are covered by this Act. Though they are stationary platforms in the ocean, they also come under this Act. I would like to know whether the Government has thought of this lacuna in this legislation, whether it will amend it, whether it will go to the United Nations because these things fall within the international waters. We have the exclusive right to have economic activity in some areas, for example, the EEZ and the continental shelf where most of the oil rigs are situated. We have the ONGC. I happended to inspect some of them. If you have no jurisdiction, the laws cannot be implemented there. I, therefore, request the hon. Minister to clarify this point whether he will see to it that these clauses in this Bill are amended. We have seen that there are a lot of accidents where there are port areas or wherever the mother ships enter into our territorial waters. We have a lot of fishing trawlers in our waters, and, maybe, beyond our waters. Quite often there are a lot of accidents because fishing trawlers are just being dashed against. Due to this there is loss of property and life. It is hit-and-run on the high seas. We don't have any mechanism. The coastguard or the Navy people are not available on the spot. I would like to know whether the hon. Minister

will inculcate some mechanism in this legislation so that the errants ship masters could be brought to book. What is the jurisdiction? Where will you take these cases? If it is off the shore of Bombay, the district authority has no jurisdiction. I think it will be better if we form a court for certain areas. I would suggest that you should have a court or a tribunal within the area of seven ports in our country. We have a port in Gujarat. There are ports in Bombay, Goa, Mangalore, Cochin, Madras, Calcutta and Vizag. Unless you have a court or a tribunal within the jurisdiction of a port, it will be very difficult for you to implement this law. This is my suggestion.

Madam, the intention of this Bill is to see to the interests of the Indian seamen on foreign vessels and foreign seamen on foreign vessels in the Indian territorial waters. Now in the case of Indian vessels in foreign countries, quite often we see that our Missions have no jurisdiction. For example, when the Government writes to the Indian Mission in Pakistan, they say they have no jurisdiction.

I would like to know from the hon. Minister whether he would see to it that certain officers are appointed under this law and they are empowered to take certain precautions and legal actions; otherwise, this law will become redundant. It will only remain a legislation because we are a signatory to the Convention. We will have to see whether this Bill has enough teeth to make it more functional.

There are many lacunae in this Bill. What I would like to bring to the notice of the hon. Minister is, oil rigs are going to be privatised. Is he going to have any monitoring agency for conducting inspections? These will not be mobile oil rigs. These will be fixed oil rigs like a factory on the land. These are going to be fixed platforms in the ocean. I would like to know whether he is going to appoint any authority for inspection like the labour organisation which we have. I would like to know whether anything has been envisaged in view of the latest development in our ocean. We have privatised our oil sector. We have allowed international and multinational companies to do oill exploration in our country. We have allowed our private sector and multinational companies to associate themselves with the public sector companies in the country. ONGC can go in for a joint venture with internationl, multinational or a national company. Is there any such mechanism? I don't find such a mechanism here. I think this is a new element. I would like to know whether the Government has approached the United Nations to get the jurisdictional control over the 2000 miles of EEZ and the continental shelf.

These are my suggestions. I don't have anything more to add. It is a very innocuous Bill. My only point is the Government should have come with this Bill much earlier. Thank you.

SHRI JIBON ROY (West Bungal): Madam, I am not satisfied with this Bill because it is a very notional amendment Bill. Still, I welcome it because the Government has started ratifying the international Conventions and is converting them into laws. Here I would like to make some suggestions for the consideration of the Government.

A large number of international Conventions have not yet been ratified. So far as labour is concerned, I think there are around 150 international Conventions. Out of these 150, only 35 have been ratified and necessary laws have been made. I can understand that the Government cannot ratify all the Conventions. But the Government can review those Conventions. At the moment, one Convention is being discussed at Geneva. I am sure it cannot be ratified.

ILO is discusing a Convention linking labour standards with trade? We cannot ratify it. How many can you ratify? There has to be a clear picture. Till now, the Freedom of Association and the Right of Organisation have not been ratified. Therefore, a review is required. However, I welcome this bill. The Government has, at least, started taking some action. So far as this Bill is concerned, there is nothing to object. But I would wish to know from the hon. Minister certain things. Supposing there is some dispute when an Indian ship is on a foreign land and the dispute is communicated to the Indian Government, how are you going to settle the dispute? Neither the Merchant Shipping Act

nor, the Industrial Disputes Act provides necessary, instruments about how to resolve the labour disputes in such cases. The Industrial Disputes Act, with its present prosition cannot resolve labour disputes concerning merchant shipping workers. Similarly, the Merchant Shipping Act has no provision to resolve industrial disputes arising out of merchant shipping. Till now, they are sending their disputes to your Labour Ministry. But who will resolve the dispute? There should be an amendment to the Act. Either you have to change the Industrial Disputes Act or you have to change the Merchant Shipping Act. The only provision that is there in the Merchant Shipping Act is that the dispute will be resolved through a tribunal. But in the last 10 years—I have checked up with my office—not a single tribunal was constituted. We have the National Shipping Board. But no agreement or bilateral settlement of the dispute is there within the system. Generally, your Ministry does not implement the decision of the National Shipping Board. So, in the present situation, only the National Shipping Board is the only institution through which workers can solve their disputes. The shipping employees are faced with problems at times. So, you have to take up the case. I believe and hope that at the earliest possible time, you will bring more amendments to the Merchant Shipping Act or your will take up the matter with the Labour Ministry so that the Industrial Disputes Act is amended accordingly. I want to add one more thing. Since this Bill is an amendment to the Merchant Shipping Act, I thought it would be appropriate to draw your attention to an international law, called the Cabotage Law. As per the law, shipping in coastal areas is allowed to domestic ships. This is taking place all over the world. That law has permitted Governments to undertake shipping in coastal areas. Here, in our country, in the name of privatisation, in the name of liberalisation, our coast is being gradually handed ovr to ships other than Indian ships. Our Government has handed over our coasts to other ships. When Governments all over the world are gaining control over the coasts, we are handing over the Indian ports to other countries. I wish that the Government would review this aspect. If you hand over the Indian Ports to other countries, we will be squeezed, the national sovereignty will also be affected. So, Madam, while supporting the Bill, I would also suggest that the Government should review the entire gamut of things and bring about necessary changes in the Merchant Shipping Act as well as in the Industrial Disputes Act. Thank You, Madam.

THE DEPUTY CHAIRMAN: There are no more speakers. So you can give the reply. Nobody is opposing this Bill. Everybody is supporting it. There is nothing much to speak.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI M. THAMBI DURAI): Madam, I am very happy that all the Members of this House have shown appreciation for bringing this amendment, the Merchants Shipping (Amendment) Bill, 1958. Mr. Fernandes raised certain points regarding certain clauses which are included in the amendment and wanted to know whether it is applicable from 1997 onwards. Madam, the ordinance has already been promulgated and implemented for the benefit of the seamen and sea-farers. Now, we are bringing it to the House to make it an Act. Actually, the law is applicable to the Indian territory workers and any violation within this area can be taken note of and the Law provides for action. Our Members raised that if it is U.S.A., our House can take action. Whichever country is signing this Convention, that country is obliged to take action. As we are expecting our country is going to take action based on the complaints of the foreign seamen. Some day, if our ships are going to go to USA and other places, they are obliged to take action but they fail to oblige. The ILO and some authorities will intervene and help us settle this issue. As regards Mr. Roy, he raised certain issues because a lot of conventions were passed, many resolutions were passed. But we have to see whether we have to review all those things for the benefit of the workers and also to modify the Merchant Shipping Act. I am happy to learn from our hon. Member that so many resolutions are taken at the international level. Definitely, we will consider whatever suggestions have been given and whatever things are possible, we will definitely try to implement because we are for that. Regarding cases, so many cases are not taken seriously and our tribunals are

not taking action on that. Whatever cases are pending before the.....

SHRI JIBON ROY: My point was that there is no law to deal with the industrial disputes of the shipping workers. A change is required in the law itself. Only a few months back, there was strike at Calcutta Port on the ship between Andamans and Calcutta. No intervention was there because there is no law. The Director-General did not intervene because there is no law. A change is required in the law itself. If they send the disputes from the foreign ship, what will you do? I am saying this because you are not having any law to deal with the disputes. I have raised that point.

SHRI M. THAMBI DURAI: We will take that into consideration. Whatever lacunae is there, whatever suggestion you give, we will take that into consideration.

THE DEPUTY CHAIRMAN: Is your suggestion related to this Act or is it general?

SHRI JIBON ROY: This Act, Madam. Madam, in this Act some provision is there. If some dispute arises in an Indian Ship at foreign land the dispute has to be sent to India immediately.

In the Indian law, either in the Industrial Disputes Act or in this very Act, there is no provision to take care of the disputes.

3 P.M.

THE DEPUTY CHAIRMAN: You take Mr. Jibon Roy very seriously on this matter because he has spent all his life on workers' problems.

SHRI M. THAMBI DURAI: We are making efforts to make the tribunal effective to sort out things. But, there is an SLP pending...

SHRI JIBON ROY: The Minister should take note that there was no tribunal for the last ten years.

SHRI M. THAMBI DURAI: There is an SLP pending in the Supreme Court regarding constitution of a tribunal under the Merchant Shipping Act. The Government will set up the tribunal if it is directed by the court.

SHRI NILOTPAL BASU (West Bengal): The actual position was for one full month there was no ship going from Calcutta to Andaman because of an industrial dispute and the difficulty was that there was no legal instrument in the hands of the Government of India to intervene in the situation and ameliorate the problems particularly faced by the people of the Island of Andaman and Nicobar.

THE DEPUTY CHAIRMAN: You see, there are two - three Members in this House who are specialist. Mr. Fernandes is coming from Goa and he knows all about shipping. Mr. Jibon Roy is working for the workers; so is Mr. Nilotpal Basu. So, you take it seriously. We will pass this Bill, but you must give this assurance to this House because this Bill will become useless if there is no law backing it. We will pass it today and again you will come back to us.

SHRI JOHN F. FERNANDES: Madam, I had mentioned that this law will not be applicable to any private sector going for rigging beyond 12 miles of Indian waters. We are signatories to the Laws of the Sea Convention. We signed it on 7th December, 1995. Under this law, you can go to the United Nations and get the jurisdiction extended because we have the EZ up to 200 miles and we have the continental shelf. So, it is possible. Therefore, your Ordinance was faulty. If you bring this mechanism within the statute, it will solve your problem; otherwise, most of the companies who subverted this legislation will go beyond our waters and nobody will control them from Europe. You were mentioning abot the ILO. Nobody will control them. They will only go there to subvert this law. That was my suggestion.

SHRI M. THAMBI DURAI: Madam, we will look into this matter.

Whatever suggestions the Members have given...

THE DEPUTY CHAIRMAN: Mr. Minister, you just go into it.

SHRI M. THAMBI DURAI: Madam, the scope of the Bill is very limited. We have brought only certain amendments to protect the interests of labour. That is the main thing. The other matters which the Members have raised, definitely, we will take care of. I will try to bring....

THE DEPUTY CHAIRMAN: Mr. Minister, what they are trying to say and what I have understood is this. This law is good. You are trying to protect the interests of labour. But the interests of labour cannot be protected if they go beyond the continental shelf, if they go beyond 200 miles in the open sea. Secondly, what Mr. Jibon Roy says in the absence of a law protecting the rights of members, you cannot use this law effectively because then again the dispute will be there. As Mr. Fernandes says, we have signed the Law of the Seas. We are a signatory to the United Nations Convention of 1995. You can go to the United Nations to get this extension to us. He is only adding to your efforts.

SHRI M. THAMBI DURAI: Madam, I share the concerns of the Members. First, I want to make it clear that not only in the territorial waters, if you go outside also, then those ships which are coming to our sea-shore, they have every right to give a complaint to the concerned person operating at the sea-bed. It is not necessary for us to go into the sea and make the complaints. The member-ships when they are coming to any port which we have signed there, they can give that complaint. Based on that, they can give the complaint. We have the right to take action. That provision is there. Therefore, I assure the Members that whatever other suggestions they have given, we will definitely consider them. I request the Members to pass the Bill.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Merchant Shipping Act, 1958, be taken into consideration."

The motion was adopted

THE DEPUTY CHAIRMAN: Now we shall take up clause-by-clause consideration of the Bill.

Clauses 2 to 7 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI N. THAMBI DURAI: Madam, I move:

That the Bill be passed.

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Mr. Thambi Durai, congratulations! This is the first Bill you have piloted and got it passed.

SHRI N. THAMBI DURAI: Yesterday also you have been allowed me to move one and it was passed.

THE DEPUTY CHAIRMAN: It was passed yesterday! Good, you are a successful Now, we will take up the Railways. Why the train is 'sitting' behind? He came before time!

MOTION RE: 'STATUS PAPER ON RAILWAYS: SOME ISSUES AND OPTIONS' AND THE BUDGET (RAILWAYS), 1998-99

THE MINISTER OF RAILWAYS (SHRI NITISH KUMAR): Madam, I beg to move:

"That the Status Paper on Railways: Some Issues and Options laid on the Table of the House on 28th May, 1998, be taken into consideration."

The Vice-Chairman, Shri John F. Ffernandes *in the Chair*

SHRI S.B. CHAVAN (Mahrashtra): Mr. Vice-Chairman, Sir, I am very happy that the Railway Ministry has made sincere efforts in bringing before the House some very important aspects of the working of the Railway Ministry in a paper which shows both the plus points and the minus points and some points on which the Railway Ministry itself feels very much concerned.

Sir, I think this kind of a document which has been given to us, the Status Paper on Railways: Some Issues and Options, I wish we had more time to go through all the issues which have been raised. There are some issues which I can certainly take up as major issues which I consider are very important and which, according to me are going to help the Railway Ministry considerably. While presenting this Paper, I am quite sure, the hon. Minister must have gone through all the aspects of the issues together with the Budget for 1998-99. I do not know if both the things are taken together. Am I right? The Status Paper as well as the Budget